

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: THOMAS JAMES EDWARD SOUL

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

vs.

THOMAS JAMES EDWARD SOUL

CASE NO: 1-19-03353-HWV

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE**

AND NOW, on November 12, 2019, Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his attorney James K. Jones Esquire, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice in accordance with Section 521(a), 521(f) and 1307(c) of 11 U.S.C., due to unreasonable delay in providing the Trustee a complete copy of the 2018 Federal Tax Return.

In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 1-19-01456-HWV	
Counsel: SARA AUSTIN, ESQUIRE	
Filing Date: 04/08/19	Date Dismissed: 06/05/19
Total Payments: \$0.00	Chapter: 13
Result: Dismissed for failure to comply with Credit Counseling requirements	

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Case Number: 1-17-04952-HWV	
Counsel: PRO SE	
Filing Date: 11/30/17	Date Dismissed: 04/22/19
Total Payments: \$11250.00	Chapter: 13
Result: Debtor requested to have his case withdrawn	

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Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of two (2) prior Chapter 13 petitions within a two (2) year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of conference, and/or hearing and other instructions are included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Dismiss this case in accordance with 11 U.S.C. Sec. 1307(c) and,
2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period

of 180 days from the entry of this dismissal.

Respectfully submitted,  
James K. Jones, Esquire  
Id: 39031  
Attorney for Trustee  
Charles J. DeHart, III  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: jjones@pamd13trustee.com

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CHAPTER 13

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CHAPTER 13 TRUSTEE  
Movant

CASE NO: 1-19-03353-HWV

MOTION TO DISMISS WITH  
PREJUDICE

**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss with Prejudice due to unreasonable delay in providing the Trustee with a complete copy of your 2018 Federal Income Tax Return.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee AND a HEARING with the Court have been scheduled on this motion as indicated below. Even if the matter is resolved at or prior to the Trustee's Conference you must attend the scheduled hearing.

**CONFERENCE Before Trustee:**

December 11, 2019 at 9:00 am  
Bankruptcy Courtroom  
Ronald Reagan Federal Bldg  
3rd Floor, 228 Walnut Street  
Harrisburg, PA 17101

**HEARING:**

December 11, 2019 at 09:35 AM  
Bankruptcy Courtroom  
Ronald Reagan Federal Bldg  
3rd Floor, 228 Walnut Street  
Harrisburg, PA 17101

YOU ARE FURTHER NOTICED that you MUST attend the conference **AND** dismissal hearing regardless if the matter is settled by one of the following having taken place.

1. You have provided the Trustee at the following address:
  - (a) with a complete copy of your 2018 Federal income tax return including schedules and forms; or
  - (b) with a statement why you were not required to file a tax return for 2018; or
  - (c) with a copy of your 2018 Form 4868 filed to request an extension of the time to file your tax return.

OFFICE OF THE CHAPTER 13 TRUSTEE  
SUITE A, 8125 ADAMS DRIVE  
HUMMELSTOWN, PA 17036  
or by email to:  
[taxreturns@pamd13trustee.com](mailto:taxreturns@pamd13trustee.com)

2. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the Court, or
3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee DeHart.

**FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL WITH PREJUDICE OF**

**YOUR CASE.**

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

Dated: November 12, 2019

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SOUL

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CHAPTER 13 TRUSTEE

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MOTION TO DISMISS WITH PREJUDICE

**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on November 12, 2019, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail, unless served electronically.

PRO SE

SERVED ELECTRONICALLY

,

United States Trustee  
228 Walnut Street  
Suite 1190  
Harrisburg, PA 17101

SERVED ELECTRONICALLY

THOMAS JAMES EDWARD SOUL  
92B CEMETERY AVENUE  
STEWARTSTOWN, PA 17363

SERVED BY 1<sup>ST</sup> CLASS MAIL

I certify under penalty of perjury that the foregoing is true and correct.

Dated: November 12, 2019

Respectfully submitted,  
Vickie Williams  
for Charles J. DeHart, III, Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
eMail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

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MOTION TO DISMISS WITH PREJUDICE

Respondent(s)

**ORDER DISMISSING CASE WITH PREJUDICE**

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.